

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS DEFENDANTS
CF Midas Balanced Growth Fund Lehman Brothers Holdings Inc., et al.

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) ATTORNEYS (IF KNOWN)
Daniel F.X. Geoghan, Esq. Richard P. Krasnow, Esq.
Young Conaway Stargatt & Taylor, LLP Weil, Gotshal & Manges LLP
1270 Avenue of the Americas, Suite 2210, NY, NY 10020 767 Fifth Avenue, NY, NY 10153

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)
28 U.S.C. 158; appeal from order disallowing claim in the Lehman Brothers Holdings Inc., et al., chapter 11 bankruptcy proceedings.

Has this or a similar case been previously filed in SDNY at any time? No ☐ Yes ☒ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date & Case No.

Is THIS AN INTERNATIONAL ARBITRATION CASE? No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY) NATURE OF SUIT

TORTS			ACTIONS UNDER STATUTES		
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY -	[] 610 AGRICULTURE	<input checked="" type="checkbox"/> 422 APPEAL	[] 400 STATE
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	[] 365 PERSONAL INJURY	[] 620 OTHER FOOD &	28 USC 158	REAPPORTIONMENT
[] 130 MILLER ACT	LIABILITY	PRODUCT LIABILITY	DRUG	[] 423 WITHDRAWAL	[] 410 ANTITRUST
[] 140 NEGOTIABLE	[] 320 ASSAULT, LIBEL &	[] 368 ASBESTOS PERSONAL	[] 625 DRUG RELATED	28 USC 157	[] 430 BANKS & BANKING
INSTRUMENT	SLANDER	INJURY PRODUCT	SEIZURE OF		[] 450 COMMERCE
[] 150 RECOVERY OF	[] 330 FEDERAL	LIABILITY	PROPERTY		[] 460 DEPORTATION
OVERPAYMENT &	EMPLOYERS'		21 USC 881	PROPERTY RIGHTS	[] 470 RACKETEER INFLU-
ENFORCEMENT	LIABILITY	PERSONAL PROPERTY	[] 630 LIQUOR LAWS		ENCED & CORRUPT
OF JUDGMENT	[] 340 MARINE		[] 640 RR & TRUCK	[] 820 COPYRIGHTS	ORGANIZATION ACT
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT	[] 370 OTHER FRAUD	[] 650 AIRLINE REGS	[] 830 PATENT	(RICO)
[] 152 RECOVERY OF	LIABILITY	[] 371 TRUTH IN LENDING	[] 660 OCCUPATIONAL	[] 840 TRADEMARK	[] 480 CONSUMER CREDIT
DEFAULTED	[] 350 MOTOR VEHICLE	[] 380 OTHER PERSONAL	SAFETY/HEALTH		[] 490 CABLE/SATELLITE TV
STUDENT LOANS	[] 355 MOTOR VEHICLE	PROPERTY DAMAGE	[] 690 OTHER	SOCIAL SECURITY	[] 810 SELECTIVE SERVICE
(EXCL VETERANS)	PRODUCT LIABILITY	PRODUCT LIABILITY			[] 850 SECURITIES/
[] 153 RECOVERY OF	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE	LABOR	[] 861 HIA (1395ff)	COMMODITIES/
OVERPAYMENT	INJURY	PRODUCT LIABILITY		[] 862 BLACK LUNG (923)	EXCHANGE
OF VETERAN'S			[] 710 FAIR LABOR	[] 863 DIWC/DIWW (405(g))	[] 875 CUSTOMER
BENEFITS			STANDARDS ACT	[] 864 SSID TITLE XVI	CHALLENGE
[] 160 STOCKHOLDERS			RELATIONS	[] 865 RSI (405(g))	12 USC 3410
SUITS			[] 720 LABOR/MGMT		[] 880 OTHER STATUTORY
[] 190 OTHER		PRISONER PETITIONS	REPORTING &	FEDERAL TAX SUITS	ACTIONS
CONTRACT		[] 510 MOTIONS TO	DISCLOSURE ACT	[] 870 TAXES (U.S. Plaintiff or	[] 891 AGRICULTURAL ACTS
[] 195 CONTRACT	ACTIONS UNDER STATUTES	VACATE SENTENCE	[] 740 RAILWAY LABOR ACT	Defendant)	[] 892 ECONOMIC
PRODUCT	CIVIL RIGHTS	20 USC 2255	[] 790 OTHER LABOR	[] 871 IRS-THIRD PARTY	STABILIZATION ACT
LIABILITY		[] 530 HABEAS CORPUS	LITIGATION	26 USC 7609	[] 893 ENVIRONMENTAL
[] 196 FRANCHISE	[] 441 VOTING	[] 535 DEATH PENALTY	[] 791 EMPL RET INC		MATTERS
	[] 442 EMPLOYMENT	[] 540 MANDAMUS & OTHER	SECURITY ACT		[] 894 ENERGY
	[] 443 HOUSING/				ALLOCATION ACT
REAL PROPERTY	ACCOMMODATIONS	PRISONER CIVIL RIGHTS	IMMIGRATION		[] 895 FREEDOM OF
[] 210 LAND	[] 444 WELFARE		[] 462 NATURALIZATION		INFORMATION ACT
CONDEMNATION	[] 445 AMERICANS WITH	[] 550 CIVIL RIGHTS	APPLICATION		[] 900 APPEAL OF FEE
[] 220 FORECLOSURE	DISABILITIES -	[] 555 PRISON CONDITION	HABEAS CORPUS-		DETERMINATION
[] 230 RENT LEASE &	EMPLOYMENT		ALIEN DETAINEE		UNDER EQUAL
EJECTMENT	[] 446 AMERICANS WITH		OTHER IMMIGRATION		ACCESS TO JUSTICE
[] 240 TORTS TO LAND	DISABILITIES -OTHER		ACTIONS		[] 950 CONSTITUTIONALITY
TORT PRODUCT	[] 440 OTHER CIVIL RIGHTS				OF STATE STATUTES
LIABILITY	(Non-Prisoner)				
[] 245 ALL OTHER					
REAL PROPERTY					
[] 290					

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ OTHER JUDGE DOCKET NUMBER

Check YES only if demanded in complaint
JURY DEMAND: ☐ YES ☐ NO
NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☒ a. all parties represented ☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

**IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1332, 1441)**

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[]	[]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[]	[]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[]	[]
CITIZEN OF ANOTHER STATE	[]	[]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]	[]	FOREIGN NATION	[]	[]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN
(DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 3/21/13 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

☒ YES (DATE ADMITTED Mo. _____ Yr. 2000)
Attorney Bar Code #

RECEIPT #

/s/ Daniel F.X. Geoghan

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)